



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14489 of 2022

1 VEERASAMY
2 PERIYASAMY
3 KULLAKARUPPAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
LAND GRABBING SPECIAL CELL,
KALLAKURICHI DISTRICT.
CR.NO.4 OF 2021.

[RESPONDENT]

For Petitioner : M/S.S.N.ARUNKUMAR Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 423, 467, 468, 471 of IPC r/w 81 (d) of Registration Act, 1908 in Crime No.4 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that a property comprised in S.No.247/4b ad-measuring an extent of 0.96 cents was possessed by Angammal by virtue of sale deed Doc.No.2040 of 1922, thereafter she settled her property by virtue of settlement deed Doc.No.1243 of 1950 to kalian an extent 0.47 cents thereafter the property was derived an Thangavel (Grand son of Angammal) thereafter the said Thangavel and Kalian created a partition deed in Doc.No.689 of 2007 and the subdivided and enjoying separately. While so, the said Kalian died, after his death on 29.03.2021 the property derived as (Rathinavel, Ganeshan and Mayakrishnan) the said Ganeshan executed his share to his son vide a settlement deed on 13.08.2021. It is further alleged that



these petitioners and jointly comprised and issued a legal notice to acquire the property and a suitable notice was also given by the complainant. It is further alleged that the Sub-Registrar, Thiyyagadurugam without any revenue records has registered a sale deed on 24.09.2021 to Veerasamy/A1 to an extent of land 0.23 ½ cents and the land was sold to murugan on 04.10.2021. Hence the complaint.

3.The learned counsel for the petitioners would submit the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the sale deed executed by the first accused was cancelled vide the proceedings of District Registrar. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Considering the above fact, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate II, Kallakuruchi**, on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
27/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
LAND GRABBING SPECIAL CELL,
KALLAKURICHI DISTRICT.

+1 CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary charges SR.NO.10117

CRL OP.14489/2022

Date :27/06/2022

TA-04/07/2022